

## Proposed Reorganization of RCW Sections

### NEW CHAPTER 79.105 RCW **AQUATIC LANDS – IN GENERAL**

#### RCW SECTIONS

#### **PART I**

#### **General**

79.105.010 ((Aquatic lands—)) Findings. *{portion split and moved from 79.90.450}*

79.105.020 Purpose of certain aquatic land statutes. *{portion split and moved from 79.90.450}*

79.105.030 ((Aquatic lands—)) Management guidelines. *{79.90.455}*

79.105.040 Application to existing property rights--Application of Shoreline Management Act. *{79.90.545}*

79.105.050 Fostering use of aquatic environment -- Limitation. *{79.90.456}*

79.105.060 Definitions. *{NEW}*

(1) "Aquatic lands." *{79.90.010}*

(2) "Beds of navigable waters." *{79.90.050}*

(3) "First class shorelands." *{79.90.040}*

(4) "First class tidelands." *{79.90.030}*

(5) "Harbor area." *{79.90.020}*

(6) "Improvements." *{79.90.055}*

(7) The "inflation rate." *{79.90.465(9)}*

(8) "Inner harbor line." *{79.90.025}*

(9) "Log booming." *{79.90.465(5)}*

(10) "Log storage." *{79.90.465(4)}*

(11) "Nonwater-dependent use." *{79.90.465(3)}*

(12) "Outer harbor line." *{79.90.015}*

(13) "Person." *{79.90.065}*

(14) "Port district." *{79.90.465(7)}*

(15) "Public utility lines." *{79.90.465(10)}*

(16) The "real rate of return." *{79.90.465(8)}*

(17) "Second class shorelands." *{79.90.045}*

(18) "Second class tidelands." *{79.90.035}*

(19) "Shorelands." *{NEW}*

(20) "State-owned aquatic lands." *{79.90.465(12)}*

(21) "Terminal." *{79.90.465(11)}*

(22) "Tidelands." *{NEW}*

(23) "Valuable materials." *{79.90.060}*

(24) "Water-dependent use." *{79.90.465(1)}*

(25) "Water-oriented use." *{79.90.465(2)}*

((79.90.015 "Outer harbor line.")) *{moved to 79.105.060 (12)}*

((79.90.020 "Harbor area.")) *{moved to 79.105.060 (5)}*

((79.90.025 "Inner harbor line.")) *{moved to 79.105.060(8)}*

((79.90.030 "First class tidelands.")) *{moved to 79.105.060(4)}*

((79.90.035 "Second class tidelands.")) *{moved to 79.105.060(18)}*  
 ((79.90.040 "First class shorelands.")) *{moved to 79.105.060(3)}*  
 ((79.90.045 "Second class shorelands.")) *{moved to 79.105.060(17)}*  
 ((79.90.050 "Beds of navigable waters.")) *{moved to 79.105.060(2)}*  
 ((79.90.055 "Improvements.")) *{moved to 79.105.060(6)}*  
 ((79.90.060 "Valuable materials.")) *{moved to 79.105.060(23)}*  
 ((79.90.065 "Person.")) *{moved to 79.105.060(13)}*  
 ((79.90.070 Harbor line commission.)) *{incorporated in 79.115.010}*  
 ((79.90.080 Board of natural resources—Records—Rules and regulations.))  
*{moved to 43.30.255}*

## **PART II**

### **General Use, Sale and Lease Provisions**

79.105.200 Sale and lease of state-owned aquatic lands -- Blank forms of applications. *{79.90.090}*  
 79.105.210 Who may purchase or lease -- Application -- Fees. *{79.90.100}*  
 ((79.90.105 Private recreational docks—Mooring buoys.)) *{moved to 79.105.500}*  
 ((79.90.110 Date of sale limited by time of appraisal.)) *{moved to 79.125.050; duplicated to 79.140.230}*  
 79.105.220 Survey to determine areas subject to sale or lease. *{79.90.120}*  
 ((79.90.130 Valuable materials from Columbia River—Agreements with Oregon))  
*{moved to 79.140.200}*  
 ((79.90.150 Material removed for channel or harbor improvement or flood control—Use for public purpose.)) *{moved to 79.140.210}*  
 ((79.90.160 Mt. St. Helen's eruption—Dredge spoils—Sale by certain landowners.))  
*{moved to 79.140.220}*  
 ((79.90.170 Sale procedure—Fixing date, place, and time of sale—Notice—Publication and posting—Direct sale to applicant without notice, when.)) *{moved to 79.125.500; duplicated to 79.140.010}*  
 ((79.90.180 Sale procedure—Pamphlet list of lands or materials—Notice of sale—Proof of publishing and posting.)) *{moved to 79.125.510; duplicated to 79.140.020}*  
 ((79.90.190 Sale procedure—Additional advertising expense.)) *{moved to 79.125.520; duplicated to 79.140.030}*  
 ((79.90.200 Sale procedure—Place of sale—Hours—Reoffer—Continuance.))  
*{moved to 79.125.530; duplicated to 79.140.040}*  
 ((79.90.210 Sale procedure—Sales at auction or by sealed bid—Minimum price—Exception as to minor sale of valuable materials at auction.)) *{moved to 79.125.540; duplicated to 79.140.050}*  
 ((79.90.215 Highest responsible bidder—Determination.)) *{moved to 79.125.550; duplicated to 79.140.060}*  
 ((79.90.220 Sale procedure—Conduct of sales—Deposits—Bid bonds—Memorandum of purchase.)) *{moved to 79.125.560; duplicated to 79.140.070}*  
 ((79.90.230 Sale procedure—Readvertisement of lands not sold.)) *{moved to 79.125.570}*  
 ((79.90.240 Sale procedure—Confirmation of sale.)) *{moved to 79.125.580; duplicated to 79.140.080}*

~~((79.90.245 Deposit, use of proceeds from sale or lease of aquatic lands or valuable materials therefrom—Aquatic lands enhancement project grant requirements—Aquatic lands enhancement account.))~~ *{moved to 79.105.250}*  
~~((79.90.250 Sale procedure—Terms of payment—Deferred payments, rate of interest.))~~ *{moved to 79.125.240}*  
~~((79.90.260 Sale procedure—Certificate to governor of payment in full Deed.))~~ *{moved to 79.125.250}*  
~~((79.90.270 Sale procedure—Reservation in contract.))~~ *{moved to 79.125.260}*  
~~((79.90.280 Sale procedure—Form of contract—Forfeiture—Extension of time)).~~ *{moved to 79.125.270}*  
~~((79.90.290 Bill of sale for valuable material sold separately.))~~ *{moved to 79.140.240}*  
~~((79.90.300 Sale of rock, gravel, sand, silt, and other valuable materials.))~~ *{moved to 79.140.250}*  
~~((79.90.310 Sale of rock, gravel, sand and silt—Application—Terms of lease or contract—Bond—Payment—Reports.))~~ *{moved to 79.140.260}*  
~~((79.90.320 Sale of rock, gravel, sand and silt—Investigation, audit of books of person removing.))~~ *{moved to 79.140.270}*  
~~((79.90.325 Contract for sale of rock, gravel, etc.—Royalties—Consideration of flood protection value.))~~ *{moved to 79.140.280}*  
~~((79.90.330 Leases and permits for prospecting and contracts for mining valuable minerals and specific materials from aquatic lands.))~~ *{moved to 79.140.290}*  
~~((79.90.340 Option contracts for prospecting and leases for mining and extraction of coal from aquatic lands.))~~ *{moved to 79.140.300}*  
~~((79.90.350 Subdivision of leases—Fee.))~~ *{moved to 79.125.280}*  
~~((79.90.360 Effect of mistake or fraud.))~~ *{moved to 79.125.310}*  
79.105.230 Reconsideration of official acts. *{79.90.410}*  
79.105.240 Assignment of contracts or leases. *{79.90.370}*  
79.105.250 Deposit, use of proceeds from sale or lease of state-owned aquatic lands or valuable materials. *{79.90.245}*  
~~((79.90.380 Abstracts of state-owned aquatic lands.))~~ *{deleted - covered by 79.02.200}*  
~~((79.90.390 Distraint or sale of improvements for taxes.))~~ *{moved to 79.115.050}*  
79.105.260 ((Aquatic lands—)) Court review of actions. *{moved to 79.105.230}*  
~~((79.90.410 Reconsideration of official acts.))~~ *{79.90.365}*  
~~((79.90.450 Aquatic lands—Findings.))~~ *{split and portion moved to 79.105.010, and 79.105.020}*  
~~((79.90.455 Aquatic lands—Management guidelines.))~~ *{moved to 79.105.030}*  
~~((79.90.456 Fostering use of aquatic environment—Limitation.))~~ *{moved to 79.105.050}*  
~~((79.90.457 Authority to exchange state-owned tidelands and shorelands—Rules—Limitation.))~~ *{moved to 79.105.470}*  
~~((79.90.458 Exchange of bedlands—Cowlitz river.))~~ *{moved to 79.130.070}*

### **PART III**

#### **Leasing and Rental Rates**

79.105.300 Use and occupancy fee for unauthorized improvements. *{moved in part, duplicated in part, from 79.94.170}*

79.105.310 State-owned ~~Aquatic~~ aquatic lands -- Preservation and enhancement of water-dependent uses -- Leasing authority *{79.90.460}*

~~((79.90.465 Definitions.))~~ *{incorporated in 79.105.060}*

79.105.320 No charge for public park or public recreation use. *{portion moved from 79.90.470(1)}*

79.105.330 ~~((Aquatic lands -- Use for public utility lines -- Recovery of costs -- Use for public parks or public recreation purposes --))~~ Lease of tidelands and bedlands in front of public state parks -- Limitation. ~~((Use granted by easement -- Recovery of commodity costs.))~~ *{portions moved to create new sections - 79.105.320, 79.110.330}*

~~((79.90.475 Management of certain aquatic lands by port district -- Agreement -- Rent -- Model management agreement.))~~ *{79.105.490}*

79.105.340 Determination of annual rent rates for lease of state-owned aquatic lands for water dependent uses -- Marina leases. *{79.90.480}*

79.105.350 Log storage rents. *{79.90.485}*

79.105.360 Rent for leases in effect October 1, 1984. *{79.90.490}*

~~((79.90.495 Rents and fees for aquatic lands used for aquaculture production and harvesting.))~~ *{moved to 79.135.200}*

79.105.370 ~~((Aquatic lands --))~~ Rents for nonwater-dependent uses. ~~((-- Rents and fees for the recovery of mineral or geothermal resources.))~~ *{79.90.500, portion split to create new section - 79.105.380}*

79.105.380 Rents and fees for the recovery of mineral or geothermal resources. *{portion moved from 79.90.500}*

79.105.390 ~~((Aquatic lands --))~~ Rents for multiple uses. *{79.90.505}*

79.105.400 ~~((Aquatic lands --))~~ Lease for water-dependent use -- Rental for nonwater-dependent use. *{79.90.510}*

79.105.410 ~~((Aquatic lands --))~~ Rent for improvements. *{79.90.515}*

79.105.420 ~~((Aquatic lands --))~~ Administrative review of proposed rent. *79.90.520}*

79.105.430 ~~((Aquatic lands --))~~ Security for leases for more than one year. *{79.90.525}*

79.105.440 ~~((Aquatic lands --))~~ Payment of rent. *{79.90.530}*

79.105.450 ~~((Aquatic lands --))~~ Interest rate. *{79.90.535}*

79.105.460 Adoption of rules. *{79.90.540}*

~~((79.90.545 Application to existing property rights -- Application of Shoreline Management Act.))~~ *{moved to 79.105.040}*

### **PART IV**

#### **Other Conveyances**

79.105.470 Authority to exchange state-owned aquatic lands -- Rules -- Limitation *{79.90.457}*

79.105.480 Gifts of aquatic lands--Procedures and criteria. *{79.90.580}*

79.105.490 Management of certain state-owned aquatic lands by port district -- Agreement -- Rent -- Model management agreement. *{79.90.475}*  
79.105.500 Private recreational docks -- Mooring buoys. *{79.90.105}*

## **PART V**

### **Dredged Material Disposal**

79.105.510 Aquatic land dredged material disposal sites -- Legislative findings. *{79.90.550}*  
79.105.520 Aquatic land dredged material disposal site account. *{79.90.555}*  
79.105.530 Fees for use of aquatic land dredged material disposal sites authorized. *{79.90.560}*

## **PART VI**

### **Other Management Provisions**

79.105.600 Archaeological activities on state-owned aquatic lands -- Agreements, leases, or other conveyances. *{79.90.565}*  
~~((79.90.570 Bush act/Callow act lands.))~~ *{moved to 79.135.010}*  
~~((79.90.575 Charge for term of easement -- Recovery of costs.))~~ *{moved to 79.110.340}*  
~~((79.90.580 Gifts of aquatic land -- Procedures and criteria.))~~ *{moved to 79.105.480}*  
79.105.901 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21. *{79.90.900}*  
79.105.901 Severability -- 1984 c 221. *{79.90.901}*  
79.105.902 Effective date -- 1984 c 221. *{79.90.902}*

## NEW CHAPTER 79.110 RCW

### **AQUATIC LANDS -- EASEMENTS AND RIGHTS OF WAY**

#### RCW SECTIONS

#### **PART I**

##### **Easements for Removal of Valuable Materials**

79.110.010 Aquatic lands granted, sold, or leased by the state (~~((Certain aquatic lands))~~) subject to easements for removal of valuable materials. ***{79.91.010}***

79.110.020 (~~((Certain aquatic lands subject to easements))~~) Easements for removal of valuable materials -- Private easements subject to common use in removal of valuable materials. ***{79.91.020}***

79.110.030 (~~((Certain aquatic lands subject to easements))~~) Easements for removal of valuable materials -- Reasonable facilities and service for transporting must be furnished. ***{79.91.030}***

79.110.040 (~~((Certain aquatic lands subject to easements))~~) Easements for removal of valuable materials -- Duty of utilities and transportation commission. ***{79.91.040}***

79.110.050 (~~((Certain aquatic lands subject to easements))~~) Easements for removal of valuable materials -- Penalty for violation of orders. ***{79.91.050}***

79.110.060 (~~((Certain aquatic lands subject to easements))~~) Easements for removal of valuable materials -- Application for right of way. ***{79.91.060}***

79.110.070 (~~((Certain aquatic lands subject to easements))~~) Easements for removal of valuable materials -- Forfeiture for nonuser. ***{79.91.070}***

#### **PART II**

##### **Rights of Way for Roads, Bridges, and Trestles**

79.110.200 United States of America, state agency, county, or city right of way for roads and streets over, and wharves over and upon aquatic lands. ***{79.91.080}***

79.110.210 Railroad bridge rights of way across navigable streams. ***{79.91.090}***

79.110.220 Public bridges or trestles across waterways and adjacent aquatic lands. ***{79.91.100}***

79.110.230 Common carriers may bridge or trestle state waterways. ***{79.91.110}***

79.110.240 Location and plans of bridge or trestle to be approved -- Future alterations. ***{79.91.120}***

#### **PART III**

##### **Rights of Way for Utility Lines**

79.110.300 Right of way for utility pipelines, transmission lines, etc. ***{79.91.130}***

79.110.310 Right of way for utility pipelines, transmission lines, etc. -- Procedure to acquire. ***{79.91.140}***

79.110.320 Right of way for utility pipelines, transmission lines, etc. -- Appraisal -- Certificate -Reversion for nonuser. ***{79.91.150}***

79.110.330 Use of public utility lines--Recovery of costs -- Use granted by easement-  
- Recovery of commodity costs.

*{portion split and moved from 79.90.470}*

79.110.340 Charge for term of utility easement--Recovery of costs. *{79.90.575}*

#### **PART IV**

##### **Rights of Way for Irrigation, Diking, and Drainage / Overflow Rights**

79.110.400 Right of way for irrigation, diking, and drainage purposes. *{79.90.160}*

79.110.410 Right of way for irrigation, diking, and drainage purposes -- Procedure to acquire. *{79.91.170}*

79.110.420 Right of way for irrigation, diking, and drainage purposes -- Appraisal -- Certificate. *{79.91.180}*

79.110.430 Grant of overflow rights. *{79.91.190}*

79.110.440 Construction of RCW 79.110.010 through 79.110.440 relating to rights of way and overflow rights. *{79.91.200}*

79.110.450 Grant of such easements and rights of way as applicant may acquire in private lands by eminent domain. *{79.91.210}*

79.110.900 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21.

## NEW CHAPTER 79.115 RCW

### **AQUATIC LANDS -- HARBOR AREAS**

#### RCW SECTIONS

#### **PART I**

##### **Harbor Line Establishment and Relocation**

79.115.010 Harbor lines and areas to be established. *{79.92.010/portion incorporated from 79.90.070}*

79.115.020 Relocation of harbor lines by the harbor line commission. *{79.92.020}*

79.115.030 Relocation of harbor lines authorized by legislature. *{79.92.030}*

79.115.040 Modification of harbor lines in Port Gardner Bay. *{79.92.035}*

79.115.050 (~~Distraint or sale~~) Disposition of improvements (~~for taxes~~) prior to location of harbor lines. *{79.90.390}*

#### **PART II**

##### **Harbor Area Leases**

79.115.200 Terms of harbor area leases. *{79.92.060}*

79.115.210 Construction or extension of (~~docks, wharves, etc.,~~) structures or improvements in harbor areas -- New lease. *{79.92.070}*

79.115.220 Re-leases of harbor areas. *{79.92.080}*

79.115.230 Procedure to re-lease harbor areas. *{79.92.090}*

79.115.240 Regulation of wharfage, dockage, and other tolls. *{79.92.100}*

79.115.250 Harbor areas and tidelands within towns -- Distribution of rents to municipal authorities. *{79.92.110}*

79.115.900 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21. *{79.92.900}*



## NEW CHAPTER 79.120 RCW **AQUATIC LANDS -- WATERWAYS AND STREETS**

### RCW SECTIONS

79.120.010 First class tidelands and shore((-))lands to be platted -- Public waterways and streets. *{79.93.010}*

79.120.020 Streets, waterways, etc., validated. *{79.93.020}*

79.120.030 Street slopes on tidelands or shore((-))lands. *{79.93.030}*

79.120.040 Permits to use waterways. *{79.93.040}*

79.120.050 Excavation of waterways -- Waterways open to public -- Tide gates or locks. *{79.93.050}*

79.120.060 Vacation of waterways -- Extension of streets. *{79.93.060}*

~~((79.93.070 Copies of waterway permits or leases existing on October 1, 1984, to be delivered to the department -- Exception.))~~ *{deleted - out of date}*

79.120.900 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21. *{79.93.900}*

## NEW CHAPTER 79.125 RCW **AQUATIC LANDS -- TIDELANDS AND SHORELANDS**

### RCW SECTIONS

#### **PART I**

##### **Plat / Appraisal / Replat**

79.125.010 Location of line dividing tidelands from shorelands in tidal rivers.  
***{79.94.330}***  
~~((79.94.010 Survey to determine area subject to sale or lease.))~~ ***{deleted - language duplicated in 79.105.220}***

79.125.020 First class tidelands and shorelands to be platted. ***{79.94.020}***

79.125.030 Second class tidelands and shorelands may be platted. ***{79.94.030}***

79.125.040 Tidelands and shorelands ~~((of the first class and second class))~~ -- Plats -- Record. ***{79.94.040}***

79.125.050 Tidelands and shorelands -- Date of sale limited by time of appraisal.  
***{79.90.110}***

79.125.060 Tidelands and shorelands ~~((of the first class and second class))~~ -- Appraisal -- Record. ***{79.94.050}***

79.125.070 Tidelands and shorelands ~~((of the first class and second class))~~ -- Notice of filing plat and record of appraisal -- Appeal. ***{79.94.060}***  
~~((79.94.070 Tidelands and shorelands of the first class -- Preference right of upland owner -- How exercised.))~~ ***{moved to 79.125.320}***

~~((79.94.080 Tide and shore lands -- Sale of remaining lands.))~~ ***{moved to 79.125.290}***  
~~((79.94.090 Sale of tidelands other than first class.))~~ ***{moved to 79.125.210}***

79.125.080 Tidelands and shorelands ~~((of the first and second class))~~ -- Petition for replat -- Replatting and reappraisal -- Vacation by replat. ***{79.94.100}***

79.125.090 Tidelands and shorelands ~~((of the first and second class))~~ -- Dedication of replat -- All interests must join. ***{79.94.110}***

79.125.100 Tidelands and shorelands ~~((of the first and second class))~~ -- Vacation procedure cumulative. ***{79.94.130}***

79.125.110 Tidelands and shorelands ~~((of the first and second class))~~ -- Effect of replat. ***{79.94.140}***

#### **PART II**

##### **Exchange, Sale, or Lease Limitations / Terms**

79.125.200 ~~First and second class tidelands~~ Tidelands and shorelands ~~((and waterways of state))~~ to be sold only to public entities -- Leasing -- Limitation.  
***{ 79.94.150 / (4)(d) duplicated from 79.94.170}***

79.125.210 Sale of second class tidelands ~~((other than first class.))~~. ***{ 79.94.090}***

79.125.220 Second class tidelands ~~((or))~~ and shore~~((--))~~lands -- Lease for booming purposes. ***{79.94.290}***

79.125.230 Second class tidelands ~~((or))~~ and shore~~((--))~~lands detached from uplands by navigable water -- Sale. ***{79.94.270}***

79.125.240 ~~((Sale procedure --))~~ Terms of payment -- Deferred payments, rate of interest. ***{79.90.250}***

79.125.250 (~~((Sale procedure—))~~) Certificate to governor of payment in full -- Deed. ***{79.90.260}***  
~~((79.94.110 Tidelands and shorelands of the first and second class—Dedication of replat—All interests must join.))~~ ***{79.125.090}***  
79.125.260 (~~((Sale procedure—))~~) Reservation in contract. ***{79.90.270}***  
79.125.270 (~~((Sale procedure—))~~) Form of contract (~~((—Forfeiture—Extension of time))~~). ***{79.90.280}***  
79.125.280 Subdivision of contracts or leases -- Fee. ***{79.90.350}***  
79.125.290 First class (~~((F))~~) tidelands and shore(~~((—))~~)lands -- Sale of remaining lands. ***{79.94.080}***  
79.125.300 Tidelands (~~((or))~~) and shore(~~((—))~~)lands (~~((of the first or second class -- Failure to re-lease ((tide or shore lands))~~)) -- Appraisal of improvements. ***{79.94.320}***  
79.125.310 Effect of mistake or fraud ***{79.90.360}***

### **PART III**

#### **Sale or Leasing Preference**

79.125.320 First class (~~((F))~~) tidelands and shorelands (~~((of the first class))~~) -- Preference right of upland owner to lease -- How exercised. ***{79.94.070}***  
79.125.330 First class unplatted tidelands (~~((or))~~) and shore(~~((—))~~)lands -- Lease preference right to upland owners -- Lease for booming purposes. ***{79.94.280}***  
79.125.340 Tidelands and shorelands (~~((of the first and second class))~~) -- Vacation by replat -- Preference right of tideland or shoreland owner to purchase. ***{79.94.120}***  
79.125.350 (~~((First and second class tide))~~) Tidelands (~~((or))~~) and shore(~~((—))~~)lands -- Preference rights to purchase, time limit on exercise. ***{79.94.300}***  
79.125.360 (~~((First and second class tide))~~) Tidelands (~~((or))~~) and shore(~~((—))~~)lands -- Accretions --(~~((Lease))~~) Preference right to purchase. ***{79.94.310}***  
~~((79.94.130 Tidelands and shorelands of the first and second class—Vacation procedure cumulative.))~~ ***{moved to 79.125.100}***  
~~((79.94.140 Tidelands and shorelands of the first and second class—Effect of replat.))~~ ***{moved to 79.125.110}***  
~~((79.94.150 First and second class tidelands and shorelands and waterways of state to be sold only to public entities—Leasing—Limitation.))~~ ***{moved to 79.125.200}***  
~~((79.94.160 Sale of state owned tide or shore lands to municipal corporation or state agency Authority to execute agreements, deeds, etc.))~~ ***{moved to 79.125.600}***  
~~((79.94.170 Construction of RCW 79.94.150 and 79.94.170—Use and occupancy fee where unauthorized improvements placed on publicly owned aquatic lands.))~~ ***{moved to 79.105.300; portion duplicated to 79.125.200 (formerly 79.94.150)}***  
~~((79.94.175 Grant of lands for city park or playground purposes.))~~ ***{moved to 79.125.610}***  
~~((79.94.181 Exchange of lands to secure city parks and playgrounds.))~~ ***{moved to 79.125.620}***  
~~((79.94.185 Director of ecology to assist city parks.))~~ ***{moved to 79.125.630}***

79.125.370 Second class shorelands on navigable lakes -- Sale to upland owners.  
***{79.94.210}***

79.125.380 Second class shorelands -- Sale or lease when in best public interest -- Preference right of upland owner -- Procedure upon determining sale or lease not in best public interest or where transfer made for public use -- Platting.  
***{79.94.260}***

## **PART IV**

### **Second Class Shorelands -- Special Platting and Selection Provisions**

79.125.400 Second class shorelands -- Boundary of shorelands when water lowered -- Certain shorelands granted to city of Seattle.***{79.94.220}***

79.125.410 Second class shorelands -- Platting -- Selection for slips, docks, wharves, etc. ***{79.94.230}***

79.125.420 Second class shorelands -- Platting of certain shorelands of Lake Washington for use as harbor area -- Effect. ***{79.94.240}***

79.125.430 Second class shorelands -- Platting of certain shorelands of Lake Washington for use as harbor area -- Selection for slips, docks, wharves, etc. -- Vesting of title. ***{79.94.250}***

## **PART V**

### **Sale of Tidelands and Shorelands**

79.125.500 ~~((Sale procedure--))~~ Fixing date, place, and time of sale -- Notice -- Publication. ***{79.90.170, see 79.140.010}***

79.125.510 ~~((Sale procedure--))~~ Pamphlet list of lands or materials -- Notice of sale - - Proof of publishing and posting.  
***{79.90.180 - deleted outdated language, see 79.140.020}***

79.125.520 ~~((Sale procedure--))~~ Additional advertising expense. ***{79.90.190, see 79.140.030}***

79.125.530 ~~((Sale procedure--))~~ Place of sale -- Hours -- Reoffer -- Continuance.  
***{79.90.200 - deleted outdated language, see 79.140.040}***

79.125.540 ~~((Sale procedure--))~~ Sales at auction or by sealed bid -- Minimum price ~~((--Exception as to minor sale of valuable materials at auction--))~~***{79.90.210, see 79.140.050}***

79.125.550 Highest responsible bidder -- Determination. ***{79.90.215, see 79.140.060}***

79.125.560 ~~((Sale procedure--))~~ Conduct of sales -- Deposits -- Bid bonds -- Memorandum of purchase.

***{79.90.220 - deleted outdated language, duplicated to 79.140.070}***

79.125.570 ~~((Sale procedure--))~~ Readvertisement of lands not sold. ***{79.90.230}***

79.125.580 ~~((Sale procedure--))~~ Confirmation of sale. ***{79.90.240, see 79.140.080}***  
~~((79.94.260 Second class shorelands -- Sale or lease when in best public interest -- Preference right of upland owner -- Procedure upon determining sale or lease not in best public interest or where transfer made for public use -- Platting--))~~  
***{moved to 79.125.380}***

~~((79.94.270 Second class tide or shore lands detached from uplands by navigable water -- Sale--))~~ ***{moved to 79.125.230}***

~~((79.94.280 First class unplatted tide or shore lands — Lease preference right to upland owners — Lease for booming purposes.))~~  
*{moved to 79.125.330}*  
~~((79.94.290 Second class tide or shore lands — Lease for booming purposes.))~~ *{moved to 79.125.220}*  
~~((79.94.300 First and second class tide or shore lands — Preference rights, time limit on exercise.))~~ *{moved to 79.125.350}*  
~~((79.94.310 First and second class tide or shore lands — Accretions — Lease.))~~ *{moved to 79.125.360}*  
~~((79.94.320 Tide or shore lands of the first or second class — Failure to re-lease tide or shore lands — Appraisal of improvements.))~~  
*{moved to 79.125.300}*  
~~((79.94.330 Location of line dividing tidelands from shorelands in tidal rivers.))~~  
*{moved to 79.125.010}*

## **PART VI**

### **Conveyance to Public Entities / Public Use**

79.125.600 Sale of state-owned tidelands ~~((or))~~ and shore((-))lands to municipal corporation or state agency -- Authority to execute agreements, deeds, etc.  
*{79.94.160}*  
79.125.610 Grant of state-owned tidelands and shorelands for city park or playground purposes. *{79.94.175}*  
79.125.620 Exchange of state-owned aquatic lands to secure city parks and playgrounds. *{79.94.181}*  
79.125.630 Director of ecology to assist city parks. *{79.94.185}*  
79.125.640 Certain tidelands reserved for recreational use and taking of fish and shellfish. *{79.94.390}*  
79.125.650 Access to and from tidelands reserved for recreational use and taking of fish and shellfish. *{79.94.400}*  
79.125.660 Tidelands and shorelands -- Use ~~((of tide and shore lands))~~ granted to United States -- Purposes -- Limitations. *{79.94.410}*  
79.125.670 Tidelands and shorelands -- Use ~~((of tide and shore lands))~~ granted to United States -- Application -- Proof of upland use -- Conveyance.  
*{79.94.420}*  
79.125.680 Tidelands and shorelands -- Use ~~((of tide and shore lands))~~ granted to United States -- Easements over tidelands or shore((-))lands to United States. *{79.94.430}*  
79.125.690 Tidelands and shorelands -- Use ~~((of tide and shore lands))~~ granted to United States -- Reversion on cessation of use. *{79.94.440}*  
79.125.700 United States Navy base -- Exchange of property -- Procedure.  
*{79.90.450}*  
79.125.900 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21.

## NEW CHAPTER 79.130 RCW

### **AQUATIC LANDS -- BEDS OF NAVIGABLE WATERS**

#### RCW SECTIONS

- 79.130.010 Lease of beds of navigable waters. *{79.95.010}*
- 79.130.020 Lease of beds of navigable waters -- Terms and conditions of lease -- Forfeiture for nonuser. *{79.95.020}*
- 79.130.030 Lease of beds of navigable waters -- Improvements -- Federal permit -- Forfeiture -- Plans and specifications. *{79.95.030}*
- 79.130.040 Lease of beds of navigable waters -- Preference right to re-lease. *{79.95.040}*
- 79.130.050 United States Navy base -- Legislative findings and declaration. *{79.95.050}*
- 79.130.060 Lease of bedlands in Port Gardner Bay for dredge spoil site -- Conditions. *{79.95.060}*
- 79.130.070 Exchange of bedlands--Cowlitz River. *{79.90.458}*
- 79.130.900 Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21. *{79.95.900}*

NEW CHAPTER 79.135 RCW

**AQUATIC LANDS -- OYSTERS, GEODUCKS, SHELLFISH, ((AND))  
OTHER AQUACULTURAL USES, AND MARINE AQUATIC  
PLANTS**

RCW SECTIONS

**PART I**

**General Provisions**

79.135.010 Bush act / Callow act lands. *{79.90.570}*

79.135.020 Sale of reserved or reversionary rights in tidelands. *{79.96.120}*

79.135.030 Wrongful taking of shellfish from public lands--Civil remedies.  
*{79.96.130}*

**PART II**

**Leasing for Shellfish Cultivation / Aquaculture Use**

79.135.200 Rents and fees for state-owned aquatic lands used for aquaculture production and harvesting. *{79.90.495}*

79.135.210 Leasing beds of tidal waters for shellfish cultivation or other aquaculture use. *{79.96.010}*

79.135.220 Leasing lands for shellfish cultivation or other aquaculture use -- Who may lease -- Application -- Deposit. *{79.96.020}*

79.135.230 Leasing lands for shellfish cultivation or other aquaculture use -- Inspection and report by director of fish and wildlife -- Rental and term -- Commercial harvest of subtidal hardshell clams by hydraulic escalating. *{79.96.030}*

79.135.240 Leasing lands for shellfish cultivation or other aquaculture use -- Survey and boundary markers. *{79.96.040}*

79.135.250 Leasing lands for shellfish cultivation or other aquaculture use -- Renewal lease. *{79.96.050}*

79.135.260 Leasing lands for shellfish cultivation or other aquaculture use -- Reversion for use other than cultivation of shellfish. *{79.96.060}*

79.135.270 Leasing lands for shellfish cultivation or other aquaculture use -- Abandonment -- Application for other lands. *{79.96.070}*

**PART III**

**Geoduck Harvest / Cultivation**

79.135.300 ~~Leasing beds for geoduck harvest/cultivation~~ Geoduck harvest/cultivation on beds of Bush Act/Callow Act Lands -- Survey by private party.  
*{79.96.140}*

79.135.310 Geoduck harvesting -- Agreements, regulation. *{79.96.080}*

79.135.320 Geoduck harvesting -- Designation of aquatic lands. *{79.96.085}*

79.135.330 Intensive management plan for geoducks -- Evaluation of program -- Report -- 1984 c 221 *{79.96.906; outdated language deleted}*

## **PART IV**

### **Oyster Reserves**

- 79.135.400 Lease of tidelands set aside as oyster reserves. *{79.96.090}*  
79.135.410 Inspection and report by director of fish and wildlife. *{79.96.100}*  
79.135.420 Vacation of reserve -- Lease of lands -- Designated state oyster reserve lands. *{79.96.110}*  
~~((79.96.120 Sale of reserved or reversionary rights in tidelands.))~~ *{moved to 79.135.020}*  
~~((79.96.130 Wrongful taking of shellfish from public lands -- Civil remedies.))~~ *{moved to 79.135.030}*  
~~((79.96.140 Leasing beds for geoduck harvest/cultivation -- Survey by private party.))~~ *{moved to 79.135.300}*

## **PART V**

### **Marine Aquatic Plants**

- 79.135.500 ~~((Seaweed--))~~ Marine aquatic plants defined. *{79.96.200}*  
79.135.510 ~~((Seaweed--))~~ Marine aquatic plants -- Personal use limit -- Commercial harvesting prohibited -- Exception -- Import restriction. *{79.135.210}*  
79.135.520 ~~((Seaweed--))~~ Marine aquatic plants -- Harvest and possession violations - - Penalties and damages. *{79.96.220}*  
79.135.530 ~~((Seaweed--))~~ Marine aquatic plants -- Enforcement. *{79.96.230}*  
79.135.901 Savings -- 1982 1st ex.s. c 21. *{79.96.901}*  
79.135.902 Captions -- 1982 1st ex.s. c 21. *{79.96.902}*  
79.135.903 Severability -- 1982 1st ex.s. c 21. *{79.96.903}*  
79.135.904 Effective date -- 1982 1st ex.s. c 21 §§ 176, 179. *{79.96.904}*  
79.135.905 Effective date -- 1982 1st ex.s. c 21. *{79.96.905}*  
~~((79.96.906 Intensive management plan for geoducks -- Evaluation of program -- Report -- 1984 c 221.))~~ *{moved to 79.135.330}*



## NEW CHAPTER 79.140 RCW

### VALUABLE MATERIALS

#### PART I

##### Sale Procedure

- 79.140.010 (~~((Sale procedure--))~~) Fixing date, place, and time of sale -- Notice -- Publication. *{duplicated from 79.90.170, see 79.125.500}*
- 79.140.020 (~~((Sale procedure--))~~) Pamphlet list of lands or materials -- Notice of sale -- Proof of publishing and posting. *{duplicated from 79.90.180 – deleted outdated language, see 79.125.510}*
- 79.140.030 (~~((Sale procedure--))~~) Additional advertising expense. *{duplicated from 79.90.190, see 79.125.520}*
- 79.140.040 (~~((Sale procedure--))~~) Place of sale -- Hours -- Reoffer -- Continuance. *{duplicated from 79.90.200, deleted outdated language, see 79.125.530}*
- 79.140.050 (~~((Sale procedure--))~~) Sales at auction or by sealed bid -- Minimum price -- Exception as to minor sale of valuable materials at auction. *{duplicated from 79.90.210, see 79.125.540}*
- 79.140.060 Highest responsible bidder -- Determination. *{duplicated from 79.90.215, see 79.125.550}*
- 79.140.070 (~~((Sale procedure--))~~) Conduct of sales -- Deposits -- Bid bonds -- Memorandum of purchase. *{duplicated from 79.90.220, see 79.125.560}*
- 79.140.080 (~~((Sale procedure--))~~) Confirmation of sale. *{duplicated from 79.90.240, see 79.125.580}*

#### Part II

##### Special Provisions and Leases

- 79.140.200 Valuable materials from Columbia river -- Agreements with Oregon. *{79.90.130}*
- 79.140.210 Material removed for channel or harbor improvement or flood control -- Use for public purpose. *{79.90.150}*
- 79.140.220 Mt. St. Helen's eruption -- Dredge spoils -- Sale by certain landowners. *{79.90.160}*
- 79.140.230 Date of sale limited by time of appraisal. *{duplicated from 79.90.110, see 79.125.050}*
- 79.140.240 Bill of sale for valuable material sold separately. *{79.90.290}*
- 79.140.250 Sale of rock, gravel, sand, silt, and other valuable materials. *{79.90.300}*
- 79.140.260 Sale of rock, gravel, sand and silt and other valuable materials -- Application -- Terms of lease or contract -- Bond -- Payment -- Reports. *{79.90.310}*
- 79.140.270 Sale of rock, gravel, sand and silt and other valuable materials -- Investigation, audit of books of person removing. *{79.90.320}*
- 79.140.280 Contract for sale of rock, gravel, etc. -- Royalties -- Consideration of flood protection value. *{79.90.325}*
- 79.140.290 Leases and permits for prospecting and contracts for mining valuable minerals and specific materials from state-owned aquatic lands. *{79.90.330}*

79.140.300 Option contracts for prospecting and leases for mining and extraction of coal from state-owned aquatic lands. *{79.90.340}*

79.140.900 Savings --Captions -- Severability -- Effective dates -- 1982 1st ex.s.c 21. *{copied from 79.90.900}*

79.140.901 Severability -- 1984 c 221. *{copied from 79.90.901}*

## **NEW CHAPTER 79.145 RCW** **MARINE PLASTIC DEBRIS**

### RCW SECTIONS

79.145.010 Intent. *{79.97.010}*

79.145.020 Definitions. *{79.97.020}*

79.145.030 Coordinating implementation -- Rules. *{79.97.030}*

79.145.040 Agreements with other entities. *{79.97.040}*

79.145.050 Employees -- Information clearinghouse contracts. *{79.97.050}*

79.145.060 Grants, funds, or gifts--Marine plastic debris action plan. *{79.97.060}*

79.145.900 Severability -- 1989 c 23. *{79.97.070}*

## Chapter 79.100 RCW

### **DERELICT VESSELS**

#### RCW SECTIONS

- 79.100.005 Findings.
- 79.100.010 Definitions.
- 79.100.020 Chapter not exclusive remedy.
- 79.100.030 Authority of authorized public entity -- Owner retains primary responsibility.
- 79.100.040 Obtaining custody of vessel.
- 79.100.050 Use or disposal of vessel.
- 79.100.060 Reimbursement for costs.
- 79.100.070 Contract with private company/individual.
- 79.100.080 Chapter not exclusive.
- 79.100.090 Contest custody/reimbursement -- Lawsuit.
- 79.100.100 Derelict vessel removal account.
- 79.100.900 Severability -- 2002 c 286.
- 79.100.901 Effective date -- 2002 c 28